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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,060	06/28/2001	William P. Lord	US010306	5441

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EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,060

Applicant(s)

LORD, WILLIAM P.

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 11, and 16 have been considered but are moot in view of the new ground(s) of rejection. However, the examiner will address the applicant's arguments.

In re page 6, applicant's representative states: "Support for the amendment may be found in the cancelled claim 10 and on page 5, lines 2-10."

The examiner notes that such support is located on page 15, lines 11-15.

Further in re page 6, applicant's representative states: "Kinney fails to disclose any other synchronization means."

The examiner respectfully disagrees. Kinney clearly discloses communication of change in status, as shown in Col 5, lines 36-43, as well as synchronization of new members in Col 6, and a clear suggestion of additional communication from the description of the "Goodbye" event, also in Col 6. Further indications of status change communications are illustrated in FIG. 2B.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinney et al (5,808,662).

Regarding claim 1, Kinney et al disclose a method for synchronizing the video output of a first personal video recorder with at least one second personal video recorder comprising the steps of:

- selecting at a given one of the first and at least one second recorders a common program that resides in memory of each of the recorders (Col 2, lines 9-12 “A system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” and Col 3, lines 53-54 “Movie data is transferred to the media files prior to the viewing by the participants”); and
- transmitting a signal from one of the recorders to simultaneously initiate a start sequence for playback of the common program in each of the recorders (Col 2, lines 23-26 “the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data”) and
- transmitting a system status signal from the first personal video recorder to the at least one second personal video recorder, said status signal being transmitted after each command or after a predetermined time (Col 5, lines 36-39 “communication between participants takes place by the transfer of a number of data structures, or ‘events’, that are transferred over network 160. Events are also referred to as playback functions.” And Col 5, lines 52-54 “The first data structure is the ‘Play’ event which indicates that playback engines

110, 120 should begin to play the movie” and Col 5, lines 65-67 “A second data structure called ‘stop event’ includes a tag that indicates that a participant wants to stop the playing of a movie” and Col 6, lines 1-3 “A third data structure called “seek event’ includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale”).

Regarding claims 2 and 3, Kinney et al disclose a method for synchronizing the video output of personal video recorders comprising the step of recording at least a portion of a broadcast program on the first and at least one second personal video recorder (Col 3, lines 53-54 “Movie data is transferred to the media files prior to the viewing by the participants”)

Regarding claim 4, Kinney et al disclose a method for synchronizing the video output of personal video recorders comprising the step of recording at least a portion of a broadcast program in a personal video recorder (Col 3, lines 53-54 “Movie data is transferred to the media files prior to the viewing by the participants”).

Regarding claim 5, Kinney et al disclose a method for synchronizing the video output of personal video recorders wherein the signal is transmitted over the Internet (Col 3, lines 32-34 “In a preferred embodiment, communication channel 160 is a Transport Control Protocol/ Internet Protocol (TCP/IP) or ISDN communication channel”).

Regarding claim 6, Kinney et al disclose a method for synchronizing the video output of personal video recorders comprising the step of selecting at least

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one second personal video recorder having at least one program stored in memory in the at least one second personal video recorder (Fig 2A, blocks 210 and 212 "participant joins conference and sends 'hello' event" and "'master sends back a 'seek' and optional 'play' event in response to 'hello'").

Regarding claim 7, Kinney et al disclose a method for synchronizing the video output of personal video recorders comprising the step of simultaneously and synchronously viewing the common program in two different locations (Col 3, lines 20-26 "two or more participants will be viewing a movie on different workstations or systems...Accordingly, each participant views a movie at exactly the same rate").

Regarding claim 8, Kinney et al disclose a method for synchronizing the video output of personal video recorders wherein the first personal video recorder is controlled by a remote control device (Col 4, lines 5-6 "GUI 125 provides icons and buttons that allow participants to control the viewing of a movie").

Regarding claim 9, Kinney et al disclose a method for synchronizing the video output of personal video recorders wherein control signals transmitted to the first personal video recorder by the remote control device also controls the at least one second personal video recorders (Col 2, lines 23-26 "the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data" and Col 7, lines 1-4 "Each participant in a shared playback session is able to receive input from local graphical user interface 125, external transport controller 180, or event from another participant over the network").

Regarding claim 11, Kinney et al disclose a system for synchronizing the video output of personal video recorders comprising

- at least two personal video recorders having at least one common program stored in memory associated with each of the recorders (Col 2, lines 9-12 “A system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” and Col 3, lines 53-54 “Movie data is transferred to the media files prior to the viewing by the participants”); and
- a communication means operatively connected to the recorders for transmitting a signal from one of the recorders to the other recorders to simultaneously initiate a start sequence for playback of the common program in each of the recorders (Col 2, lines 23-26 “the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data”) and
- transmitting a system status signal from the first personal video recorder to the at least one second personal video recorder, said status signal being transmitted after each command or after a predetermined time (Col 5, lines 36-39 “communication between participants takes place by the transfer of a number of data structures, or ‘events’, that are transferred over network 160. Events are also referred to as playback functions.” And Col 5, lines 52-54 “The first data structure is the ‘Play’ event which indicates that playback engines

110, 120 should begin to play the movie” and Col 5, lines 65-67 “A second data structure called ‘stop event’ includes a tag that indicates that a participant wants to stop the playing of a movie” and Col 6, lines 1-3 “A third data structure called “seek event’ includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale”).

Regarding claim 12, Kinney et al disclose a system for synchronizing the video output of personal video recorders wherein the communications means is an Internet network (Col 3, lines 32-34 “In a preferred embodiment, communication channel 160 is a Transport Control Protocol/ Internet Protocol (TCP/IP) or ISDN communication channel”).

Regarding claim 13, Kinney et al disclose a system for synchronizing the video output of personal video recorders wherein the communication means is a telephone network (Col 3, lines 20-21 “Communication channel 160 can take many forms, including a conventional telephone line”).

Regarding claim 14, Kinney et al disclose a system for synchronizing the video output of personal video recorders comprising a television operatively connected to the personal video recorders (Col 4, lines 7-9 “An additional interlaced video display 120 can also be connected to the media playback engine 110 through a standard video output”).

Regarding claim 15, Kinney et al disclose a system for synchronizing the video output of personal video recorders comprising a remote control device for transmitting control signals to the personal video recorders (Col 4, lines 5-6 “GUI

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125 provides icons and buttons that allow participants to control the viewing of a movie”).

Regarding claim 16, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders wherein each of the first and the second personal video recorder has a common program stored in memory associated therewith (Col 2, lines 9-12 “A system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” and Col 3, lines 53-54 “Movie data is transferred to the media files prior to the viewing by the participants”), comprising:

- a control device associated with a processor and operative to transmit a signal from the first personal video recorder to the second personal video recorder for simultaneously initiating a start sequence in each of the first and second personal video recorders (Col 2, lines 23-26 “the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data”) and
- transmitting a system status signal from the first personal video recorder to the at least one second personal video recorder, said status signal being transmitted after each command or after a predetermined time (Col 5, lines 36-39 “communication between participants takes place by the transfer of a number of data structures, or ‘events’, that are transferred over network 160. Events are also referred to as playback functions.” And Col 5, lines 52-54 “The first data structure is the ‘Play’ event which indicates that playback engines

110, 120 should begin to play the movie” and Col 5, lines 65-67 “A second data structure called ‘stop event’ includes a tag that indicates that a participant wants to stop the playing of a movie” and Col 6, lines 1-3 “A third data structure called “seek event’ includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale”).

Regarding claim 17, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders wherein the signal is transmitted over the Internet (Col 3, lines 32-34 “In a preferred embodiment, communication channel 160 is a Transport Control Protocol/ Internet Protocol (TCP/IP) or ISDN communication channel”).

Regarding claim 18, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders wherein the signal is transmitted over telephone lines (Col 3, lines 20-21 “Communication channel 160 can take many forms, including a conventional telephone line”).

Regarding claim 19, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders wherein control signals transmitted to the first personal video recorder by the control device also control the second personal video recorder (Each participant in a shared playback session is able to receive input from local graphical user interface 125, external transport controller 180, or event from another participant over the network”).

Regarding claim 20, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders comprising a television operatively

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connected to the first and second personal video recorders (Col 4, lines 7-9 "An additional interlaced video display 120 can also be connected to the media playback engine 110 through a standard video output").

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

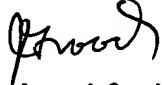
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF
16 May 2005


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2612